

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2789

AN ACT

AMENDING TITLE 40, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 40-111; RELATING TO THE CORPORATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 40, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 40-111, to read:

4 40-111. Corporation commission rules: submittal; legislative
5 action required; exemptions

6 A. THE CORPORATION COMMISSION SHALL PROMPTLY SUBMIT TO THE LEGISLATURE
7 FOR REVIEW ALL RULES OR AMENDMENTS TO EXISTING RULES ADOPTED AFTER DECEMBER
8 31, 2012 CONCERNING PUBLIC SERVICE CORPORATIONS THAT ARE POLICY DECISIONS,
9 INCLUDING RULES MANDATING THE USE OF SPECIFIC SOURCES OF ENERGY OR IMPOSING
10 OR INCREASING ENERGY EFFICIENCY STANDARDS OR RENEWABLE ENERGY STANDARDS.

11 B. NOTWITHSTANDING ANY OTHER LAW, THE CORPORATION COMMISSION RULES
12 THAT ARE SUBJECT TO THE REQUIREMENTS OF THIS SECTION DO NOT BECOME EFFECTIVE
13 UNTIL APPROVED BY A LAW ENACTED BY THE LEGISLATURE. THE LEGISLATURE MAY
14 APPROVE ALL OR A PART OF A RULE SUBMITTED UNDER THIS SECTION. IF THE
15 LEGISLATURE DOES NOT APPROVE ALL OR PART OF A RULE, THE CORPORATION
16 COMMISSION SHALL NOT ATTEMPT TO ENFORCE THOSE RULES UNTIL THE MATTER HAS BEEN
17 FINALLY ADJUDICATED IN A COURT OF COMPETENT JURISDICTION.

18 C. THIS SECTION DOES NOT AFFECT RULES OR ORDERS THAT RESULT FROM
19 QUASI-JUDICIAL PROCEEDINGS OF THE CORPORATION COMMISSION, INCLUDING
20 COMMISSION ORDERS THAT DETERMINE THE FAIR VALUE OF A PUBLIC SERVICE
21 CORPORATION'S PROPERTY AND ESTABLISH JUST AND REASONABLE RATES FOR UTILITY
22 SERVICE, THAT RESULT FROM COMPLAINTS AGAINST PUBLIC SERVICE CORPORATIONS AND
23 THAT RELATE TO THE CERTIFICATE OF CONVENIENCE AND NECESSITY OF A PUBLIC
24 SERVICE CORPORATION.

25 Sec. 2. Severability

26 If a provision of this act or its application to any person or
27 circumstance is held invalid, the invalidity does not affect other provisions
28 or applications of the act that can be given effect without the invalid
29 provision or application, and to this end the provisions of this act are
30 severable.